APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,523	04/18/2000	Pallavi Shah	83000.1069/P3523	1872

7590 12/19/2003	EXAMINER
Brian M. Berliner Esq. O'Melveny & Meyers LLP 400 South Hope Street Los Angeles, CA 90071-2899	HA, LEYNNA A

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/551,523	SHAH ET AL.
		Examiner	Art Unit
		LEYNNA T. HA	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   Claims 1-48 have been examined and are rejected under 35 U.S.C.

102(e).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e)

prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   ***Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by***

White, et al. (US 6,628,302).

As per claim 1:

White, et al. teaches a method of transmitting information comprising:

transmitting first information for determining a sequence of communication paths; and **(col.2, lines 35-47 and col.3, lines 62-65)**

transmitting second information according to said sequence of communication path. **(col.2, lines 18-22)**

As per claim 2:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 3:

White discloses a second information is a channel. **(col.3, lines 55-57)**

As per claim 4:

White discloses a second information is a web page. **(col.2, lines 25-27)**

As per claim 5:

White discloses the first information comprises a sequence of communication paths. **(col.4, lines 2-9)**

As per claim 6:

White discloses the first information is transmitted in an encrypted form.

(col.2, lines 23-24)

As per claim 7:

White discloses the first information is an object oriented object. **(col.3, lines 30-35)**

As per claim 8:

White discloses the method of claim 1 further comprising:

installing said first information; and **(col.2, lines 18-20)**

viewing a continuous stream of said second information by switching communication paths in accordance with said installed first information.

(col.3, line 41 thru col.4, line 11)

As per claim 9:

White teaches a method for controlling access to information over a network comprising:

obtaining a first information for determining a sequence of communication paths; and **(col.2, lines 35-47 and col.3, lines 62-65)**

obtaining second information according to said sequence of communication paths. **(col.2, lines 18-22)**

As per claim 10:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 11:

White discloses second information is a channel. **(col.3, lines 55-57)**

As per claim 12:

White discloses second information is a web page. **(col.2, lines 25-27)**

As per claim 13:

White discloses the first information comprises a sequence of communication paths. **(col.4, lines 2-9)**

As per claim 14:

White discloses the first information is obtained in an encrypted form.

(col.2, lines 23-24)

As per claim 15:

White discloses the first information is an object oriented object. **(col.3, lines 30-35)**

As per claim 16:

White discusses viewing a continuous stream of said second information by switching communication paths in accordance with said installed first information. **(col.3, line 41 thru col.4, line 11)**

As per claim 17:

White teaches a computer program product comprising:

a computer usable medium having computer readable code embodied therein for transmitting information, said computer program product comprising: **(col.3, lines 30-38)**

computer readable code configured to cause a computer to transmit first information for determining a sequence of communication paths; and **(col.2, lines 35-47 and col.3, lines 62-65)**

computer readable code configured to cause a computer to transmit second information according to said sequence of communication path. **(col.2, lines 18-22)**

As per claim18:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 19;

White discloses a second information is a channel. **(col.3, lines 55-57)**

As per claim 20:

White discloses a second information is a web page. **(col.2, lines 25-27)**

As per claim 21:

White discloses the first information comprises a sequence of communication paths. **(col.4, lines 2-9)**

As per claim 22:

White discloses the computer transmits said first information in encrypted form. **(col.2, lines 23-24)**

As per claim 23:

White discloses the first information is an object oriented object. **(col.3, lines 30-35)**

As per claim 24:

White discloses the method of claim 1 further comprising:

computer readable code configured to cause a computer to install said first information; and **(col.2, lines 18-20)**

computer readable code configured to cause a display of a continuous stream of said second information by switching communication paths in accordance with said installed first information.

(col.3, line 41 thru col.4, line 11)

As per claim 25:

White teaches a computer program product comprising:

a computer usable medium having computer readable code embodied therein for transmitting information, said computer program product comprising: **(col.3, lines 30-38)**

computer readable code configured to cause a computer to obtain first information for determining a sequence of communication paths; and

(col.2, lines 35-47 and col.3, lines 62-65)

computer readable code configured to cause a computer to obtain second information according to said sequence of communication path.

(col.2, lines 18-22)

As per claim 26:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 27:

White discloses a second information is a channel. **(col.3, lines 55-57)**

As per claim 28:

White discloses a second information is a web page. **(col.2, lines 25-27)**

As per claim 29:

White discloses the first information comprises a sequence of communication paths. **(col.4, lines 2-9)**

As per claim 30:

White discloses the first information is obtained in an encrypted form. **(col.2, lines 23-24)**

As per claim 31:

White discloses the first information is an object oriented object. **(col.3, lines 30-35)**

As per claim 32:

White discusses computer program code configured to cause a display of a continuous stream of said second information by switching communication paths in accordance with said installed first information.

(col.3, line 41 thru col.4, line 11)

As per claim 33:

White teaches a system of transmitting information comprising:

a processor; **(col.2, lines 53-54)**

first information for determining a sequence of communication paths;

(col.2, lines 35-47 and col.3, lines 62-65)

second information; **(col.2, lines 18-22)**

a head end coupled to said processor, said head end configured to

transmit said first information and said second information according to said

sequence of communication path. **(col.2, lines 18-22 and lines 33-34)**

As per claim 34:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 35:

White discloses a second information is a channel. **(col.3, lines 55-57)**

As per claim 36:

White discloses a second information is a web page. **(col.2, lines 25-27)**

As per claim 37:

White discloses the first information comprises a sequence of communication

paths. **(col.4, lines 2-9)**

As per claim 38:

White discloses the first information is encrypted. **(col.2, lines 23-24)**

As per claim 39:

White discloses the first information is an object oriented object. **(col.3, lines 30-35)**

As per claim 40:

White includes the system of claim 34 further comprising:

a member space manager for installing said first information; and **(col.2, lines 18-20)**

a display device for displaying a continuous stream of said second information by switching communication paths in accordance with said installed first information. **(col.3, line 41 thru col.4, line 11)**

As per claim 41:

White teaches a system for controlling access to information comprising:

a processor; **(col.2, lines 53-54)**

first information for determining a sequence of communication paths; **(col.2, lines 35-47 and col.3, lines 62-65)**

second information; **(col.2, lines 18-22)**

a member space manager coupled to said processor, said member space manager configured to obtain said first information and said second information according to said sequence of communication path. **(col.2, lines 18-67)**

As per claim 42:

White discloses second information is an individual television program.

(col.3, lines 59-61)

As per claim 43:

White discloses a second information is a channel. **(col.3, lines 55-57)**

As per claim 44:

White discloses a second information is a web page. **(col.2, lines 25-27)**

As per claim 45:

White discloses the first information comprises a sequence of communication

paths. **(col.4, lines 2-9)**

As per claim 46:

White discloses the first information is encrypted. **(col.2, lines 23-24)**

As per claim 47:

White discloses the first information is an object oriented object. **(col.3, lines
30-35)**

As per claim 48:

White includes the system of claim 41 further comprising:

a display device for displaying a continuous stream of said second

information by switching communication paths in accordance with said first

information. **(col.3, line 41 thru col.4, line 11)**

Conclusion

For more details in regards to the cited rejection above, please refer to:

White, Et. Al. (US 6,628,302): col. 2, line 1...ET. Seq.

3.   *The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.*

Shoff, Et. Al. (US 6,240,555) : col.1, line17...ET. Seq.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

LHa

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